THE BISHOP OF *WORCESTER'S* CHARGE To the CLERGY OF HIS DIOCESE, IN HIS Primary Visitation, BEGUN At WORCESTER, *Sept.* 11. 1690.

LONDON,
Printed for *Henry Mortlock*, and are to be sold by *Sampson Evans*, Bookseller in *Worcester*. MDCXCI.

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To the Reverend

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WORCESTER.

My BRETHREN,

WHat I lately delivered among you in the ſeveral Places of my Viſitation, and what I have ſince thought fit in ſome particulars to add, I have here put together, and ſent it to you, that it might remain with you, not only as an Inſtance of my Duty, but as a Monitor of your own. And I may reaſonably hope, as well as deſire, that the frequent Reading and Conſidering the Things I here recommend to you, will make a deeper Impreſſion on your Minds, than a mere tranſient

Diſcourſe; for I know nothing will more effectually preſerve the Honor and Intereſt of the Church *of* England, *than a diligent and conſcientious Diſcharge of the Duties of our ſeveral Places. In this time of general Liberty, our Adverſaries, of all kinds, think themſelves let looſe upon us; and therefore we have the more reaſon to look to our ſelves, and to the* Flock committed to our Charge.

Yet, I do not queſtion, but through the Goodneſs of God, and the ſerious and vigorous Application of our Minds to the great Buſineſs of our High and Holy Calling, *that Church which we ſo juſtly value, will eſcape ſinking in the* Quick-Sands, *as it hath hitherto, being daſhed againſt the Rocks. If we behave our ſelves with that Prudence and Zeal and Circumſpection which becomes us, I hope* the Inclinations of the People *will never be made uſe of as an Argument againſt us. For, although in a Corrupt Age, that be one of the weakeſt Arguments in the World (if it be true) and only ſhews the Prevalency of* Folly *and* Faction; *Yet there*

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is no such Way to prevent the spreading of both, as our constant Care to instruct our People in the main Duties of Religion, and going before them in the Ways of Holyness and Peace.

In the following Discourse, I have first endeavoured to Assert and Vindicate the Authority of Bishops *in the Christian Church; and in as few Words, and with as much Clearness as I could, I have proved their Apostolical Institution. And the Judgment and Practice of the Universal Church from the Apostles Times, will prevail with all unbyas'd Persons above any modern violent* Inclinations *to the contrary.*

In the next place I have recommended to you such things, which I am sure are much for the Churches Service and Honour, as well as our own, and therefore, I hope you will the more regard them.

In the last place, I have made it my Design to clear several Parts of the Ecclesiastical Law, *which concerns Church-Men, and have shewed the Nature, Force, and Extent of it; and how agreeable it is to*

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the Common Law *of* England. *In these things, my aim was to do something towards the Good of this Church, and particularly of this* Diocese. *And that the Glory of God, the Salvation of Souls, and Holiness and Peace may be Promoted therein, is the hearty Prayer of*

Westminst. Jan. 33. 169⅞.

Your Affectionate Brother,

and Fellow-Servant to

Our Common Lord,

ED. *Wigorn.*

THE

My BRETHREN,

THIS being my *Primary Visitation*, I thought it fitting to acquaint my self with the Ancient as well as Modern Practice of *Episcopal Visitations*, and as near as I could, to observe the Rules prescribed therein, with respect to the Clergy, who are now Summon'd to appear. And I find there were Two principal Parts in them, a *Charge* and an *Enquiry*.

The *Charge* was given by the *Bishop* himself, and was called *Admonitio Episcopi*, or *Allocutio*; wherein he informed them of their Duty, and exhorted them to perform it. *Regino l. 2. p. 205. Hispan. Concil. p. 29.*

The *Enquiry* was made according to certain Articles drawn out of the *Canons*, which were generally the same; according to which the *Juratores Synodi* (as the Ancient *Canonists* call them; or *Testes Synodales*) were to give in their *Answers* upon Oath; which was therefore called *Juramentum Synodale*; for the *Bishop's Visitation* was accounted an *Episcopal Synod*. *Regino Collect. Canon.* lib. 2. p. 204. *Burchrd.* l. 1. c. 91, 92. *Gratian.* 35. q. 5. c. 7.

The former of these is my present business; and I shall take leave to speak my mind freely to you, this first time, concerning several things which I think most Useful, and fit to be considered and practised by the Clergy of this *Diocess*.

For, since it hath pleased God, by his wise and over-ruling Providence, (without my seeking) to bring me

into this ſtation in his Church, I ſhall eſteem it the beſt Circumſtance of my preſent Condition, if he pleaſe to make me an Inſtrument of *doing good* among you. To this End, I thought it neceſſary *in the firſt place*, moſt humbly to implore his Divine Aſſiſtance, that I might both rightly underſtand, and conſcientiouſly perform that great Duty which is incumbent upon me; for without his help, all our Thoughts are vain, and our beſt Purpoſes will be ineffectual. But God is not wanting to thoſe who ſincerely endeavour to know, and to do their Duty; and therefore in the *next place*, I ſet my ſelf (as far as my Health and other Occaſions would permit) to conſider *the Nature* and *Extent* of my Duty; with a Reſolution not to be diſcouraged, altho I met with Difficulties in the performance of it. For ſuch is the State and Condition of the World, That no man can deſign to do good in it; but when that croſſes the particular *Intereſts* and *Inclinations* of others, he muſt expect to meet with as much Trouble as their unquiet Paſſions can give him.

If we therefore conſulted nothing but our own Eaſe, the only way were to let People follow their Humors and Inclinations, and to be as little concerned as might be, at what they either ſay or do. For if we go about to rowze and awaken them, and much more to reprove and reform them, we ſhall ſoon find them uneaſie and impatient; for few love to hear of their Faults, and fewer to amend them.

But it is the peculiar Honour of *the Chriſtan Religion*, to have an Order of Men, ſet apart, not merely as *Prieſts*, to offer *Sacrifices* (for that all Religions have had)

had) but as *Preachers of Righteouſneſs*, to ſet Good and Evil before the People committed to their Charge; to inform them of their Duties, to reprove them for their Miſcarriages; and that, not in order to their Shame, but their Reformation: Which requires not only *Zeal*, but *Diſcretion*, and a great mixture of *Courage* and *Prudence*, that we may neither fail in doing our Duty, nor in the beſt means of attaining the end of it.

If we could reaſonably ſuppoſe, that all thoſe who are bound to tell others their Duties, would certainly do their own, there would be leſs need of any ſuch Office in the Church as that of *Biſhops*; who are to inſpect, and govern, and viſit, and reform thoſe who are *to watch* over others. But ſince there may be too great failings even in theſe; too great neglect in ſome, and diſorder in others; too great proneneſs to Faction and Schiſm, and impatience of Contradiction from mere Equals; therefore S. *Jerom* himſelf grants, That to avoid theſe miſchiefs, there was a neceſſity of a Superior *Order to Presbyters* in the *Church of God*; *ad quem omnis Eccleſiæ Cura pertineret, & Schiſmatum ſemina tollerentur*; as he ſpeaks, even where he ſeems moſt to leſſen the Authority of Biſhops. But whatever ſome expreſſions of his may be, (when the *Biſhop* of *Jeruſalem* and the *Roman Deacons* came into his head) his Reaſons are very much for the Advantage of Epiſcopal Government. For can any Man ſay more in point of Reaſon for it, than *that nothing but Faction and Diſorder followed the Government of Presbyters, and therefore the whole Chriſtian Church agreed in the neceſſity of a higher Order, and that the Peace and Safety of the Church depends upon it; that*

Hieron Comment. ad Titum. Epiſt. ad Evagr.

Adverſ Luciferian.

if it be taken away, nothing but Schisms and Confusions will follow. I wish those who magnifie S. *Jerom's Authority* in *this matter*, would submit to his *Reason* and *Authority* both, as to the Necessity and Usefulness of the Order of *Bishops* in the Church.

Hier. in Psal.
Ad Evagr.
Ad Marcell.
Cyprian.
Ep. 3. 66.
Aug. in Ps. 44. 44.
Ambros. ad
Eph. 4. 11.
1 *Cor.* 12. 28.
Theod. ad
1 *Tim.* 1. 3.

But beyond this, in several Places, he makes the *Bishops to be Successors of the Apostles*, as well as the rest of the most Eminent Fathers of the Church have done. If the *Apostolical Office*, as far as it concerns the Care and Government of Churches, were not to continue after their Decease, how came the best, the most learned, the nearest to the *Apostolical* Times, to be so wonderfully deceived? For if the Bishops did not succeed by the *Apostles* own Appointment, they must be *Intruders* and *Usurpers* of the Apostolical *Function*; and can we imagine the Church of God would have so universally consented to it? Besides, the Apostles did not die all at once; but there were *Successors* in several of the *Apostolical Churches*, while some of the *Apostles* were living; can we again imagine, those would not have vindicated *the Right* of their own *Order*, and declared to the Church, That *this Office* was peculiar to themselves? The Change of the Name from *Apostles* to *Bishops*, would not have been sufficient Excuse for them; for the Presumption had been as great in the Exercise of the Power without the Name. So that I can see no *Medium*, but that either the Primitive Bishops did succeed the *Apostles* by *their own Appointment* and *Approbation*, (which *Irenæus* expresly affirms, *Qui ab Apostolis ipsis instituti sunt Episcopi in Ecclesiis*) or else those who governed the Apostolical

Iren. l. 3. c. 3.

Churches

Churches after them, outwent *Diotrephes* himself; for he only *rejected* those whom the *Apostle* sent; but *these* assumed to *themselves* the *Exercise* of an *Apostolical* Authority over the Churches planted and settled by them. 3 *John* 9, 10.

But to let us see how far the *Apostles* were from thinking that this part of their *Office* was peculiar to themselves, we find them in their own time, as they saw occasion, to appoint others to take care of the Government of the Churches, within such bounds as they thought fit. Thus *Timothy* was appointed by St. *Paul* at *Ephesus*, to examine the Qualifications of such as were to be Ordained; *and not to lay hands suddenly on any; to receive Accusations*, if there were Cause, even *against Elders*, to proceed judicially *before two or three Witnesses*; and if there were Reason, to give *them a publick Rebuke*. And that this ought not to be *thought a slight matter*, he presently adds, *I charge thee before God, and the Lord Jesus Christ, and the Elect Angels, that thou observe these things, without preferring one before another, doing nothing by partiality*. Here is a very strict and severe Charge for the Impartial Exercise of Discipline in the Church upon Offenders. And although in the Epistle to *Titus*, he be only in general required *to set in order the things that are wanting, and to ordain Elders in every City, as he had appointed him*; yet we are not to suppose, that this Power extended not to a *Jurisdiction* over them when he had ordained them. For if any of those whom he Ordained (as believing *them* qualified according to the Apostles Rules) should afterwards demean themselves otherwise; and be *self-willed, froward, given to Wine, Brawlers, Covetous,* 1 *Tim.* 3. 2, 3, &c. 5. 22. 19. 20. 21. *Titus* 1. 5.

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or any way ſcandalous to the Church, can we believe that *Titus* was not as well bound to correct them afterwards, as to examine them before? And what was this Power of *Ordination* and *Juriſdiction*, but the very ſame which the *Biſhops* have exerciſed ever ſince the *Apoſtles* Times? But they who go about to *Unbiſhop Timothy* and *Titus*; may as well *Unſcripture the Epiſtles* that were written to them; and make them only ſome *particular* and *occaſional Writings*, as they make *Timothy* and *Titus* to have been only ſome *particular* and *occaſional Officers*. But *the Chriſtian Church* preſerving theſe *Epiſtles*, as of conſtant and perpetual Uſe, did thereby ſuppoſe the ſame kind of Office to continue, for the ſake whereof thoſe excellent Epiſtles were written: And we have no greater Aſſurance that theſe *Epiſtles* were written by St. *Paul*, than we have that there were *Biſhops* to ſucceed the *Apoſtles* in the Care and Government of Churches.

Having ſaid thus much to clear the Authority we act by, I now proceed to conſider the *Rules* by which we are to govern our ſelves.

Every *Biſhop* of this Church, in the Time of his Conſecration, makes a ſolemn Profeſſion, among other things, "That he will not only maintain and "ſet forward, as much as lies in him, quietneſs, love "and peace among all Men; but that he will correct "and puniſh ſuch as be unquiet, diſobedient and "criminous within his Dioceſs, according to ſuch "Authority as he hath by *God's Word*, and to him "ſhall be committed by the *Ordinance of this Realm*.

So that we have Two *Rules* to proceed by, *viz. the Word*

Word of God, and the *Eccleſiaſtical Law of this Realm*.

(1.) *By the Word of God*; and that requires from us, Diligence, and Care, and Faithfulneſs, and Impartiality, *remembring the Account we muſt give, that we may do it with Joy, and not with Grief*. And we are not merely required to correct and puniſh, but to warn and inſtruct, and exhort the Perſons under our Care, to do thoſe things which tend moſt to the Honour of our Holy Religion, and the Church whereof we are Members. And for theſe Ends there are ſome things I ſhall more particularly recommend to You.

(1.) That you would often *conſider* the Solemn *Charge* that was given you, and the *Profeſſion* you made of your Reſolution to do your Duty at your *Ordination*.

I find by *the Provincial Conſtitution* of this Church, *that the Biſhops were to have their ſolemn Profeſſion read over to them twice in the year*, to put them in mind of their Duty. And in *the Legatine Conſtitutions* of *Otho*, (22 *H.* 3.) the ſame Conſtitution is renewed, not merely by a *Legatine Power*, but by *Conſent* of the *Archbiſhops*, and *Biſhops* of *both Provinces*; wherein it is declared, *that Biſhops ought to viſit their Dioceſſes at fit times, Correcting and Reforming what was amiſs, and ſowing the Word of Life in the Lord's Field*; and to put them the more in mind of it, *they were twice in the year to have their ſolemn Profeſſion read to them*; It ſeems then, that *Profeſſion* contained theſe things in it; or elſe the reading that could not ſtir them up to do theſe things. What the *Profeſſion* was which *Presbyters* then made at their Ordination, we have not ſo clear an Account, but in the ſame Council at *Oxford*, 8 *H.* 3. it is ſtrict-

De voto & voti Redempt. Lyndw. f. 103.

Concil. Anglic. vol. 2. *f.* 182.

Conſtit. Othon. f. 292. *Concil. Angl. vol.* 2. *f.* 227.

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Constit. Provinc. De Officio Archi-Presbyteri, f. 33. Concil. Anglic. vol. 1. p. 183.

ly enjoined, *that all Rectors and Vicars should instruct the People committed to their Charge, and Feed them,* Pabulo Verbi Dei, *with the Food of God's Word*; and it is introduced with that Expression, *that they might excite the Parochial Clergy to be more diligent in what was most proper for those times.* And if they do it not, they are there called *Canes muti*: and *Lyndwood* bestows many other hard Terms upon them, which I shall not mention; but he saith afterward, *those who do it not, are but like Idols, which bear the similitude of a Man, but do not the Offices proper to Men.* Nay, he goes so far as to say, *That the Spiritual Food of God's Word is as necessary to the Health of the Soul, as Corporal Food is to the Health of the Body.* Which *words* are taken out of a Preface to a *Canon* in the *Decretals De Officio Jud. Ordinarii, inter Cætera.* But they serve very well to shew how much even in the dark times of Popery, they were then convinced of the *necessity* and *usefulness* of Preaching. These *Constitutions* were slighted so much, that in 9 *Edw.* I. the Offices of *Preaching* was sunk so low, that in a † *Provincial Constitution* at that time, great complaint is made *of the Ignorance and Stupidity of the Parochial Clergy, that they rather made the people worse than better.* But at that time *the Preaching Friers* had got that Work into their hands by particular Privileges, where it is well observed, *that they did not go to places which most needed their help*; but to Cities and Corporations, where they found most Incouragement. But what Remedy was found by this Provincial Council? Truly, *every Parochial Priest four times a year was bound to read an Explication of the Creed, Ten Commandments, the Two Precepts of Charity, the Seven Works*

Lyndw. v. latratu f. 33. V. Pabulo V. Dei.

† Prov. Constit. De Offic. Archpresbyt. f. 282. Concil. Anglic. vol. 2. p. 332.

Works of Mercy, the Seven deadly Sins, the Seven principal Vertues, and the Seven Sacraments. This was renewed in *the Province of York,* (which hath distinct *Provincial Constitutions*) in the Time of *Edw.* 4. And here was all they were bound to by these *Constitutions.* *Concil. Anglic.* 2 Vol. p. 700. 707.

But when *Wicliff* and his Followers had awakened the People so far, that there was no satisfying them without *Preaching*, then a new *Provincial Constitution* was made under *Arundel*, Archbishop of *Canterbury*; and the former *Constitution* was restrained to *Parochial Priests* who officiated as *Curates*; but several others were Authorised to Preach; as (1.) *The Mendicant Friars* were said to be authorised *Jure Communi*; or rather *Privilegio Speciali*, (but therefore *Lyndwood* saith, it is said to be *Jure Communi*, because that *Privilege is recorded in the Text of the Canon Law*) These were not only allowed to Preach in their own Churches, but in *Plateis publicis*, saith *Lyndwood*, out of the Canon Law (wherein those words were expressed), and at any Hour, unless it were the Time of Preaching in other Churches; but other Orders, as *Augustinians* and *Carmelites*, had no such general Licence. Those Preaching Friars were a sort of *Licensed Preachers* at that time, who had no Cures of Souls; but they were then accounted a kind of *Pastors*. For *Jo. de Athon* distinguisheth Two sorts of *Pastors*; Those who had Ecclesiastical Offices, and those who had none; but were such only *Verbo & Exemplo*; but they gave very great Disturbance to the Clergy, as the Pope himself confesses in the Canon Law. (2.) *Legal Incumbents* authorised to Preach in their own Parishes *Jure Scripto*. All Persons who *Concil. Anglic.* 2 Vol. p. 649. *Constit. de Haret.* f. 156. *Lyndw.* f. 156. *C. Dudam. Clem. de Sepulturis.* *Jo. de Athon. in Constitut. Othobon.* f. 46. *C. Dudam. de Sepulturis.*

had Cures of Souls, and legal Titles were said to be *missi à jure ad locum & Populum Curæ suæ*, and therefore might preach to their own People without a *special Licence*; but if any one Preached in other Parts of the *Dioceſs*, or were a Stranger in it, then he was to be examined by the *Diocesan*, and if he were found *tam Moribus quam Scientia idoneus*, he might ſend him to Preach to one or more Pariſhes, as he thought meet; and he was to ſhew his *Licence* to the *Incumbent* of the Place before he was to be permitted to Preach, under *the Epiſcopal Seal*. And thus, as far as I can find, the Matter ſtood as to *Preaching*, before the *Reformation*.

After it, when the Office of *Ordination* was reviewed and brought nearer to the *Primitive Form*; and inſtead of delivering the *Chalice* and *Patten*, with theſe words, *Accipe poteſtatem offerre Deo Sacrificium, &c.* the Biſhop delivered the *Bible* with theſe words, *Take thou Authority to Preach the Word of God, and to miniſter the Holy Sacraments in the Congregation, &c.* The Prieſts Exhortation was made agreeable thereto, wherein he exhorts the Perſons in the "Name of our Lord Jeſus Chriſt, "to conſider the weight and importance of the Office "and Charge they are called to; not barely to inſtruct "thoſe who are already of Chriſt's Flock; but to en- "deavour the Salvation of thoſe who are in the midſt "of this naughty World. And therefore he perſwades "and charges them from a due regard to Chriſt, who "ſuffered for his Sheep, and to the Church of Chriſt, "which is ſo dear to him, to omit no Labor, Care, or "Diligence in inſtructing and reforming thoſe who are "committed to their Charge. And the better to en-

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"able them to perform these things, there are some "Duties especially recommended to them, *viz.* Prayer "and Study of the Holy Scriptures, according to which "that they are to instruct others, and to order their own "Lives, and of those who belong to them. And that "they might the better attend so great a Work, they "are required to forsake and set aside (as much as they "may) all worldly Cares and Studies, and apply "themselves wholly to this one thing, that they may "save themselves and them that hear them. After which follows the solemn *Profession*, wherein they undertake to do these things.

This is that, my Brethren, which I earnestly desire of you that you would often consider. You are not at liberty now, whether you will do these things or not; for you are under a most solemn Engagement to it. You have put your hands to the Plow, and it is too late to think of looking back; and you all know the Husbandman's Work is laborious and painful, and continually Returning. It is possible after all his pains, the Harvest may not answer his expectation; but yet if he neither plows nor sows, he can expect no Return; if he be idle and careless, and puts off the main of his Work to others, can he reasonably look for the same Success? Believe it, all our Pains are little enough to awake the sleepy and secure Sinners, to instruct the ignorant, to reclaim the vitious, to rebuke the profane, to convince the erroneous, to satisfie the doubtful, to confirm the wavering, to recover the lapsed, and to be useful to all, according to their several Circumstances and Conditions. It is not to Preach a Sermon or

two in a Weeks time to your Parishoners, that is the main of your Duty; that is no such difficult Task, if Men apply their Minds as they ought to do to Divine Matters, and do not spend their Retirements in useless Studies; but the great Difficulty lies in Watching over your Flock, *i. e.* knowing their Condition, and applying your selves suitably to them. He that is a Stranger to his Flock, and only visits them now and then, can never be said *to watch over it*; he may watch over the *Fleeces*; but he understands little of the State of his Flock, *viz.* of the Distempers they are under, and the Remedies proper for them.

Non potest esse Pastoris excusatio, si lupus oves comedit, & Pastor nescit. Extr. de Reg. Juris c. 10.

The *Casuists* say, *That the reason why there is no Command for Personal Residence in Scripture, is, because the Nature of the Duty it self requires it*; for if a Person be required to do such things which cannot be done without it, *Residence* is implyed. As a Pilot to a Ship needs no Command to be in his Ship; for how can he do the Office of a Pilot out of it? Let none think to excuse themselves by saying *that our Church only takes them for Curates, and that the Bishops have the Pastoral Charge*; for, by our old *Provincial Constitutions* (which are still in force so far as they are not repugnant to the Law of the Land) even those who have the smallest Cures are called *Pastors*; and *Lyndwood* there notes, that *Parochialis Sacerdos dicitur Pastor*; and that not merely by way of Allusion, but in respect of the Care of Souls. But we need not go so far back. For what is it they are admitted to? Is it not *ad Curam Animarum?* Did not they promise in their Ordination, *To teach the People committed to their Care and Charge?*

Reginald. Praxis, l. 30. tr. 3. c. 5. p. 52.

Constit. Provinc. de Clericis non Resid. c. quum hostis.

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The Casuists distinguish a threefold Cure of Souls. 1. *In foro interiori tantum*, and this they say is the *Parochial Cure*. 2. *In foro exteriori tantum*, where there is Authority to perform Ministerial Acts, as to suspend, excommunicate, absolve, (*sine Pastorali Curâ*:) and this *Archdeacons* have by virtue of their Office. 3. *In utroque simul*? where there is a special Care, together with Jurisdiction: this is the Bishops. And every one of these, say they, *secundum commune Jus Canonicum*, is obliged to Residence; *i. e.* by *the common Law Ecclesiastical*; of which more afterwards. The Obligation is to perpetual Residence, but as it is in other positive Duties, there may other Duties intervene, which may take away the present force of it; as Care of Health, necessary Business, publick Service of the King, or Church, *&c.* But then we are to observe, that no Dispensation can justifie a Man in point of Conscience, unless there be *a sufficient Cause*; and no Custom can be sufficient again the natural Equity of the Case, whereby every one is bound from the Nature of the Office he hath undertaken.

Joh. Athon. ad Constit. Othon. f. 14.

Reginald. ib. n. 53.

I confess the Case in Reason is different, where there is a sufficient Provision by another fit Person, and approved by those who are to take Care that Places be well supplied, and where there is not; but yet, this doth not take off the force of the *Personal Obligation*, arising from undertaking the Cure themselves, which the Ecclesiastical Law understands to be, not merely by Promise, but *cum effectu*, as the Canonists speak; which implies personal Residence. Not that they are never to be away; *Non sic amare intelligi debet.*

Can. Relatum. Ex. De Clericis non Resid.

Lyndw. in c. quum hoſtis. Reſidennt cum effectu.

debet ut nunquam inde recedat, ſaith *Lyndwood*; but theſe Words are to be underſtood *civili modo*, as he expreſſes it, *i. e.* not without great Reaſon. There muſt not be, ſaith he, *Callida Interpretatio ſed talis ut ceſſent fraudes & negligentiæ*; i.e. There muſt be no Art uſed to evade the Law, nor any groſs Neglect of it. It's true, the Canoniſts have diſtinguiſhed between *Rectories* and *Vicarages*, as to *Perſonal Reſidence*; but we are to conſider theſe things. 1. The *Canon Law* ſtrictly obliges every one that hath a *Parochial Cure* to *perpetual Reſidence*; and excepts only two Caſes, when the Living is annexed to a Prebend or Dignity; and then he who hath it, is to have a perpetual Vicar inſtituted, with a ſufficient Maintenance. 2. After this Liberty obtained for dignified Perſons to have *Vicars* endowed in their Places, the Point of *Reſidence* was ſtrictly injoyned to them: and we find in the Provincial Conſtitutions a Difference made between *Perſonatus* and *Vicaria*; but this was ſtill meant of a *Vicarage endowed*. This was in the time of *Stephen Langton*, Archbiſhop of *Canterbury*; and in another *Conſtitution* he required an Oath of *Perſonal Reſidence* from all ſuch *Vicars*, altho' the Place were not above the value of five Marks; which, as appears by *Lyndwood* elſewhere, was then *ſufficient for Maintenance and Hoſpitality*. And to cover the ſhameful *Diſpenſations* that were commonly granted to the higher *Clergy*, under Pretence of the *Papal Power*, the poor *Vicars* by a Conſtitution of *Otho*, were bound to take a ſtrict Oath of *continual Reſidence*; and without it their Inſtitution was declared to be Null. But even in that Caſe the Gloſs there

Joh. de Athon. in Conſtit. Othon. f. 14. Continui.

Can. Echipandæ. De Præbend. & Dign.

De Præſumpt. f. 55. 2.

De Clericis non Reſident. cum hoſtis, &c.

Lynd. f. 34. Joh. de Athon. in Conſtit. Othon. f. 12.

Otho de Inſtit. Vic. f. 14. Othobon f. 46.

there saith, *That they may be some time absent for the Benefit of the Church or State*; but not for their own particular Advantage. 3. The Obligation in point of Conscience remains the same, but *Dispensing with Laws* may take away the *Penalty of Non-Residence* in some Cases. *Job. de Athon*, Canon of *Lincoln*, who wrote the *Glosses* on the *Legatine Constitutions*, doth not deny, but that *Rectors* are as well bound to *Residence* as *Vicars*; but these are more strictly tied by their Oath; and because a Vicar cannot appoint a Vicar, but a *Parson* may. And altho that Name among some be used as a Term of Reproach, yet in former Ages *Personatus* and *Dignitas* were the same thing; and so used here in *England* in the Time of *Henry* II. but afterwards it came to be applied to him that had the *Possession* of a *Parochial Benefice* in his own *immediate Right*; and was therefore bound to take Care of it. For the Obligation must in Reason be supposed to go along with the Advantage; however Local Statutes may have taken off the Penalty.

Job. de Athon. in Constit. Othon.

Can. Quia nonnulla de Clericis non Resid. Quadrilog. l. 1. c. 5.

II. When you have thus considered the Obligation which lies upon you, to take Care of your Flock, let me in the next place recommend to you a plain, useful, and practical Way of *Preaching* among them. I mean, such as is most likely to do good upon them (which certainly ought to be the just Measure of Preaching.) I do not mean therefore a loose and careless way of Talking in the Pulpit, which will neither profit you, nor those that hear you. He that once gets an ill Habit of speaking *extempore*, will be tempted to continue it by the Easiness of it to himself, and the Plausibleness of it to less judicious People.

There-

There is on the other ſide a Cloſeneſs and Strength of Reaſoning, which is too elaborate for common Underſtandings; and there is an affected Fineneſs of Expreſſion, which by no means becomes the Pulpit: but it ſeems to be like ſtroaking the Conſciences of People by Feathers dipt in Oil. And there is a way of putting *Scripture-Phraſes* together without the Senſe of them, which thoſe are the moſt apt to admire, who underſtand them leaſt: But for thoſe who have not improved their Minds by Education, the plaineſt way is certainly the beſt and hardeſt, provided, it be not flat, and dry, and incoherent, or deſultory, going from one thing to another, without purſuing any particular Point home to Practice, and applying it to the Conſciences of the Hearers. And give me leave to tell you, That mere general Diſcourſes have commonly little Effect on the Peoples Minds; if any thing moves them, it is *particular Application* as to ſuch things which their Conſciences are concerned in.

And here I muſt recommend to you the purſuing the Deſign of His *Majeſties Letter*, which hath been ſome time ſince communicated to you; by it you are required to Preach at ſome Times on thoſe particular Vices which you obſerve to be moſt prevalent in the Places you relate to, ſuch as *Drunkenneſs*, *Whoredom*, *Swearing*, *Profaning the Lord's Day*, &c. If ever we hope to reform them, you muſt throughly convince them, that what they do is diſpleaſing to God.

And there are two ſorts of men you are to deal with,

1. Profane Scoffers at Religion. Theſe ſeldom trouble you; but if any Good be to be done upon them,

them, it is by plain and evident Proofs of the Good and Evil of Moral Actions. For, as long as they think them indifferent, they will never regard what you say, as to the Rewards or Punishments of them.

2. Stupid and senseless People, whose Minds are wholly sunk into the Affairs of the World, *buying and selling, and getting gain.* It is a very hard thing to get a thought into them above these Matters. And whatever you talk of mere Religion, and another Life, is like *Metaphysicks* to them; they understand you not, and take no Care to do it: but if you can convince them, that they live in the Practice of great Sins, which they shall certainly suffer for, if they do not Repent, they may possibly be awakened this way; if not, nothing but immediate Grace can work upon them; which must work on the Will, whatever becomes of the Understanding.

III. After preaching, let me intreat you to look after *Catechising* and instructing the Youth of your Parishes. He that would Reform the World to purpose, must begin with the Youth; and train them up betimes, in the Ways of Religion and Virtue. There is far less probability of prevailing on those who have accustomed themselves to vicious Habits, and are hardened in their Wickedness. It seems strange to some, that considering the shortness of Human Life, Mankind should be so long before they come to Maturity; the best Account I know of it is, that there is so much longer time for the Care of their Education, to instil the Principles of Virtue and Religion into them, thereby to soften the Fierceness, to direct the

Weakneſs, to govern the Inclinations of Mankind. It is truly a ſad Conſideration that Chriſtian Parents are ſo little ſenſible of their Duties, as to the Education of their Children; when thoſe who have had only Natural Reaſon to direct them, have laid ſo much Weight upon it. *Without it, Plato* ſaith, *that Mankind grew the moſt unruly of all Creatures.* Ariſtotle, *that as by Nature they are capable of being the beſt, ſo being neglected, they become the worſt of Animals*, i. e. *when they are brought up without Virtue. Education and Virtue*, ſaith he, *is a great thing, yea, it is all in all, and without it they will be much worſe than Beaſts.* The main Care of the Education of Children muſt lie upon Parents; but yet Miniſters ought not only to put them in mind of their Duty, but to aſſiſt them all they can, and by publick Catechiſing, frequently to inſtruct both thoſe who have not learned, and thoſe who are aſhamed to learn any other way. And you muſt uſe the beſt means you can to bring them into an Eſteem of it; which is by letting them ſee, that you do it, not merely becauſe you are required to do it, but becauſe it is a thing ſo uſeful and beneficial to them, and to their Children. There is a great deal of difference between Peoples being able to talk over a Set of *Phraſes*, about Religious Matters, and underſtanding the true Grounds of Religion; which are eaſieſt learned, and underſtood, and remembered in the ſhort Catechetical Way. But I am truly ſorry to hear, that where the *Clergy* are willing to take pains this way, the People are unwilling to ſend their Children. They would not be unwilling to hear them inſtructed, as early as might be,

Plato de Leg. l. 6.
Ariſt. Polit. l. 1. c. 2.
Nicom. l. 2. c. 1 7. c. 7.

in

in the way to get an Eſtate, but would be very thankful to thoſe who would do them ſuch a kindneſs; and therefore it is really a Contempt of God and Religion, and another World, which makes them ſo backward to have their Children taught the way to it. And methinks thoſe who have any Zeal for the *Reformation* ſhould love and purſue that which came into requeſt with it. Indeed the Church of *Rome* it ſelf hath been made ſo ſenſible of the Neceſſity of it; that even the Council of *Trent* doth not only require *Catechiſing Children*, but the *Biſhops* to proceed with *Eccleſiaſtical Cenſures* againſt thoſe who neglect it. But in the old *Provincial Conſtitutions* I can find but one *Injunction* about *Catechiſing*; and that is *when the Prieſt doubts whether the Children were Baptized or not; and if they be born eight days before Eaſter and Whitſuntide, they are not to be baptized till thoſe days, and in the mean time they are to receive Catechiſm.* What is this *receiving Catechiſm* by Children, before they are eight days old? It is well Exorciſm is joyned with it; and ſo we are to underſtand by it the Interrogatories in Baptiſm: and *Lyndwood* ſaith, the *Catechiſm* is not only required for *Inſtruction in Faith*, but *propter ſponſionem*, when the Godfather anſwers, *De Fidei Obſervantiâ.*

Seſſ. 24. de Reform. c. 4.

Lyndw. Prov. Conſt. f. 134, 135. Concil. Anglic. 2. Vol. 324. 330.

De Conſecr. Diſt. 4. c. 54 57

It is true the *Canon Law* requires in adult Perſons *Chatechiſing before Baptiſm*; but I find nothing of the *Catechiſing Children* after it; and no wonder, ſince *Lyndwood* ſaith, *the Laity are bound to no more than to believe as the Church believes; nor the Clergy neither, unleſs they can bear the Charges of Studying, and have Maſters to inſtruct them.*

Lynd. f. 1. 11. Sciat. Si enim habeant expenſas & Magiſtros, peccarent niſi plus ſciant quam Laici.

them. This was good Doctrin, when the Design was to keep People in Ignorance. For Learning is an irreconcileable Enemy to the Fundamental Policy of the *Roman* Church; and it was that which brought in the Reformation, since which a just Care hath still been required for the Instruction of Youth; and the fifty ninth Canon of our Church is very strict in it, which I desire you often to consider with the first Rubrick after the Catechism, and to act accordingly.

IV. After *Catechizing*, I recommend to you the due Care of bringing the Children of your Parishes to *Confirmation.* Which would be of excellent use in the Church, if the several Ministers would take that Pains about it, which they ought to do. Remember that you are required *to bring or send in Writing, with your Names subscribed, the Names of all such Persons in your Parish, as you shall think fit to be Presented to the Bishop to be Confirmed.* If you take no Care about it, and suffer them to come unprepared for so great, so solemn a thing, as *renewing the Promise and Vow made in Baptism*, can you think your selves free from any Guilt in it? In the Church of *Rome* indeed great Care was taken to hasten Confirmation of Children all they could: *Post Baptismum quam citius poterint*, as it is in our *Constitution Provincial*; in another *Synodical*, *the Parochial Priests are charged to tell their Parishioners, that they ought to get their Children Confirmed as soon as they can.* In a Synod at *Worcester*, under *Walter de Cantilupo*, in the time of *Henry* III. the Sacrament of *Confirmation* is declared necessary for *Strength against the Power of Darkness*; and therefore it was called *Sacramentum pugnatium*: and no wonder

Provinc. Constit. De Sacro Unct. f. 18. *Concil. Anlg.* 2. *Vol. p.* 353.

Concil. Angl. 2. *Vol. p.* 140. 165.

wonder then that the *Parochial Priest* should be called upon so earnestly to bring the Children to *Confirmation*; and the Parents were to be forbidden to enter into the Church, if they neglected it for a *Year* after the Birth of the Child, if they had opportunity. The *Synod* of *Exeter* allowed two *Years*, and then if they were not Confirmed, the Parents were *to Fast every* Friday, *with Bread and Water, till it were done.* And to the same purpose, the *Synod* of *Winchester* in the time of *Edw.* I. in the *Constitutions* of *Richard* Bishop of *Sarum*, two *Years* were allowed, but that Time was afterwards thought too long; and then the Priest as well as the Parents was to be suspended from entrance into the Church. But what Preparation was required? None that I can find: But great Care is taken about the *Fillets to bind their Heads to receive the Unction, and the taking them off at the Font, and burning them, lest they should be used for Witchcraft*, as *Lyndwood* informs us. But we have no such Customs nor any of the Reformed Churches; We depend not upon the *Opus operatum*, but suppose a due and serious Preparation of Mind necessary, and a solemn Performance of it. I hope, by God's Assistance, to be able, in time, to bring the Performance of this Office into a better Method; in the mean time, I shall not fail doing my Duty, have you a care you do not fail in yours.

p. 353.

p. 440.

p. 143.

Lyndw. f. 19.

V. As to the *Publick Offices* of the *Church*, I do not only recommend to you a due Care of the *Diligent* but of the *Devout* Performance of them. I have often wondered how a fixed and stated Liturgy for general Use, should become a matter of Scruple and

Dispute

Diſpute among any in a Chriſtian Church; unleſs there be ſomething in Chriſtianity which makes it unlawful to pray together for things which we all underſtand beforehand to be the Subject of our Prayers. If our common Neceſſities and Duties are the ſame; if we have the ſame Bleſſings to pray and to Thank God for in our ſolemn Devotions, why ſhould any think it unlawful or unfitting to uſe the ſame Expreſſions? Is God pleaſed with the Change of our Words and Phraſes? Can we imagine the Holy Spirit is given to dictate new Expreſſions in Prayers? Then they muſt pray by immediate Inſpiration (which I think they will not pretend to, leſt all the Miſtakes and Incongruities of ſuch Prayers be imputed to the Holy Ghoſt), but if not, then they are left to their own Conceptions, and the Spirits Aſſiſtance is only in the Exciting the Affections and Motions of the Soul towards the things ptayed for; and if this be allowed, it is impoſſible to give a Reaſon why the Spirit of God may not as well excite thoſe inward Deſires, when the Words are the ſame as when they are different. And we are certain, that from the Apoſtles times downwards, no one Church or Society of Chriſtians can be produced, who held it unlawful to pray by a ſet Form. On the other ſide, we have very early Proofs of ſome common Forms of Prayer, which were generally uſed in the Chriſtian Churches, and were the Foundations of thoſe *Ancient Liturgies*, which, by degrees, were much enlarged. And the Interpolations of latter times, do no more overthrow the Antiquity of the Ground-work of them, than the large Additions to a

Building,

Building, do prove there was no House before. It is an easie matter to say that such Liturgies could not be S. *James*'s or S. *Mark*'s, because of such Errors and Mistakes, and Interpolations of things and Phrases of latter times; but what then? Is this an Argument; there were no ancient Liturgies in the Churches of *Jerusalem* or *Alexandria*; when so long since, as in *Origen*'s time we find an entire Collect produced by him out of the *Alexandrian* Liturgy? And the like may be shewed as to other Churches, which by degrees came to have their Liturgies much inlarged by the Devout Prayers of some extraordinary Men, such as S. *Basil* and S. *Chrysostom* in the Eastern Churches.

Orig. in Jer. Hom. 14. *p.* 141. *ed. Huet.*

But my design is not to vindicate our use of an excellent Liturgy, but to put you upon the using it in such manner, as may most recommend it to the People. I mean with that Gravity, Seriousness, Attention, and Devotion, which becomes so solemn a Duty as Prayer to God is. It will give too just a Cause of Prejudice to our Prayers, if the People observe you to be careless and negligent about them; or to run them over with so great haste, as if you minded nothing so much as to get to the end of them. If you mind them so little your selves, they will think themselves excused, if they mind them less. I could heartily wish, that in greater places, especially in such Towns where there are People more at liberty, the constant Morning and Evening Prayers were duly and devoutly read; as it is already done with good Success in *London*, and some other Cities. By this means Religion will gain ground, when the publick Offices are daily performed; and the

People

People will be more acquainted with Scripture, in hearing the Leſſons, and have a better eſteem of the Prayers, when they become their daily Service, which they offer up to God as their Morning and Evening Sacrifice; and the deſign of our Church will be beſt anſwered, which appoints *the Order for Morning and Evening Prayer daily to be ſaid, and uſed throughout the Year.*

VI. As to the *Diſſenters* from the Church; the preſent Circumſtances of our Affairs require a more than ordinary *Prudence* in your Behaviour towards them. It is to no purpoſe to provoke or exaſperate them, ſince they will be but ſo much more your Enmies for it; and if you ſeem to court them too much, they will interpret your Kindneſs to be a liking their Way better than your own; ſo that were it not for ſome worldly Intereſt, you would be juſt what they are; which is in effect to ſay, you would be Men of Conſcience, if ye had a little more Honeſty. For they can never think thoſe honeſt Men, who comply with things againſt their Conſciences, only for their temporal Advantage; but they may like them as Men of a Party, who under ſome ſpecious Colours promote their Intereſt. For my own part, as I do ſincerely value and eſteem the Church of *England* (and I hope ever ſhall), ſo I am not againſt ſuch a due temper towards them, as is conſiſtent with the preſerving the Conſtitution of our Church. But if any think, under a Pretence of Liberty, to undermine and deſtroy it, we have reaſon to take the beſt care we can, in order to its Preſervation. I do not mean by oppoſing Laws, or affronting Authority, but by countermining them in the

beſt

best way; viz. by outdoing them in those things which make them most Popular, if they are consistent with Integrity and a good Conscience. If they gain upon the People by an appearance of more than ordinary Zeal for the good of Souls, I would have you to go beyond them in a true and hearty Concernment for them; not in irregular Heats and Passions, but in the *Meekness of Wisdom*; in a calm and sedate Temper; in doing good even to them who most despightfully reproach you, and withdraw themselves and the People from you. If they get an Interest among them by Industry, and going from Place to Place, and Family to Family; I hope you will think it your Duty to converse more freely and familiarly with your own People. Be not *Strangers*, and you will make them *Friends*. Let them see by your particular Application to them, that you do not despise them. For Men love to value those who seem to value them; and if you once slight them, you run the hazard of making them your Enemies. It is some Tryal of a Christians *Patience* as well as *Humility*, to condescend to the Weaknesses of others; but where it is our Duty, we must do it, and that chearfully, in order to the best End, *viz.* Doing the more good upon them. And all Condescension and Kindness for such an End, is true *Wisdom*, as well as *Humility*. I am afraid Distance and too great Stiffness of Behaviour towards them, have made some more our Enemies than they would have been. I hope they are now convinced, that the Persecution which they complained lately so much of, was carried on by other Men, and for other Designs

than they would then seem to believe. But that Persecution was then a Popular Argument for them; for, the complaining side hath always the most Pity. But now that is taken off, you may deal with them on more equal Terms. Now there is nothing to affright them, and we think we have Reason enough on our side to persuade them. The Case of Separation stands just as it did in Point of Conscience, which is not now one jot more reasonable or just than it was before. Some think Severity makes Men consider; but I am afraid it heats them too much, and makes them too violent and refractory. You have more reason to fear now, what the Interest of a Party will do, than any Strength of Argument. How very few among them understand any reason at all for their Separation! But Education, Prejudice, Authority of their Teachers sway them; remove these and you convince them. And in order thereto, acquaint your selves with them, endeavour to oblige them, let them see you have no other Design upon them, but to do them good; if any thing will gain upon them, this will.

But if after all, they grow more headstrong and insolent by the Indulgence which the Law gives them; then observe, whether they observe those Conditions on which the Law gives it to them. For these are known Rules in Law, *that he forfeits his Privilege who goes beyond the Bounds of it; that no Privileges are to be extended beyond the Bounds which the Laws give them; for they ought to be observed as they are given.* I leave it to be considered, whether all such who

11. Q 3. c. 63. Lyndw. ad l. de Iœnis f. 161. Extr. de Priv. c. Porro in Gloss.

do

do not obſerve the Conditions of the Indulgence, be not as liable to the Law as if they had none.

But there is a very profane abuſe of this Liberty among ſome, as though it were an Indulgence not to ſerve God at all. Such as theſe, as they were never intended by the Law, ſo they ought to enjoy no Benefit by it. For this were to Countenance Profaneneſs and Irreligion; which I am afraid will grow too much upon us, unleſs ſome effectual Care be taken to ſuppreſs it.

VII. There is another Duty incumbent upon you, which I muſt particularly recommend to your Care, and that is, of *Viſiting the Sick*. I do not mean barely to perform the Office preſcribed, which is of very good uſe, and ought not to be neglected; but a particular Application of your ſelves to the State and Condition of the Perſons you viſit. It is no hard matter to run over ſome Prayers, and ſo take leave; but this doth not come up to the Deſign of our Church in that Office: For, after the general Exhortation and Profeſſion of the Chriſtian Faith, our Church requires, that *the ſick Perſon be moved to make ſpecial Confeſſion of his Sins, if he feel his Conſcience troubled with any weighty matter*; and then *if the ſick Perſon humbly and heartily deſires it*, he is to be *abſolved* after this manner, *Our Lord Jeſus Chriſt, who hath left Power in his Church to abſolve all Sinners who truly repent and believe in him*, &c. Where the Power of Abſolution is grounded upon the Suppoſition of true Faith and Repentance; and therefore, when it is ſaid afterwards, *And by his Authority committed to me, I abſolve thee from the ſame*, &c.

it muſt proceed on the ſame ſuppoſition. For the Church cannot abſolve when God doth not. So that all the real Comfort of the Abſolution depends upon the Satisfaction of the Perſon's Mind, as to the Sincerity of his Repentance and Faith in Chriſt. Now here lies the great Difficulty of this Office; how to give your ſelves and the wounded Conſcience Satisfaction, as to the Sincerity of thoſe Acts; I do not mean as to the Sincerity of his preſent Thoughts, but as to the Acceptableneſs of his Faith and Repentance with God in order to Remiſſion of Sins. But what if you find the Perſons ſo ignorant, as not to underſtand what Faith and Repentance mean? What if they have led ſuch careleſs and ſecure Lives in this World, as hardly ever to have had one ſerious Thought of another? Is nothing to be done but to come and pray by them, and ſo diſmiſs them into their Eternal State? Is this all the good you can, or are bound to do them? I confeſs, it is a very uncomfortable thing to tell Men how they are to begin to live, when they are liker to dye than to live (and the People generally have a ſtrange ſuperſtitious Fear of ſending for the Miniſter, while there is any hope of Recovery). But at laſt you are ſent for; and what a melancholy Work are you then to go about? You are, it may be, to make a Man ſenſible of his Sins, who never before conſidered what they were, or againſt whom they were committed, or what eternal Miſery he deſerves by committing them. But I will ſuppoſe the beſt I can in this Caſe, *viz.* That by your warm and ſerious Diſcourſe, you throughly awaken the Conſcience of a

long

long and habitual Sinner; what are you then to do? Will you preſently apply all the Promiſes of Grace and Salvation to one whoſe Conſcience is awakened only with the Fears of Death, and the Terrors of a Day of Judgment? This, I confeſs, is a hard Caſe; on the one ſide, we muſt not diſcourage good Beginnings in any; we muſt not caſt an awakened Sinner into Deſpair; we muſt not limit the infinite Mercy of God: But on the other ſide, we muſt have a great care of encouraging preſumptuous Sinners to put off their Repentance to the laſt, becauſe then upon Confeſſion of their Sins, they can ſo eaſily obtain the Churches Abſolution, which goes no farther, than *truly Repenting and Believing*. But here is the Difficulty, how we can ſatisfie our ſelves that theſe do *truly Repent and Believe*; who are out of a Capacity of giving Proof of their Sincerity by Amendment of Life? I do not queſtion the Sincerity of their preſent purpoſes; but how often do we find theſe to come to nothing, when they recover and fall into the former Temptations? How then ſhall they know their own Sincerity till it be tryed? How can it be tryed, when they are going out of the State of Tryal? The moſt we can do, is to encourage them to do the beſt they can in their preſent Condition, and to ſhew as many of the Fruits of true Repentance as their Circumſtances will allow; and with the greateſt humility of Mind, and moſt earneſt Supplications to implore the infinite Mercy of God to their Souls. But beſides theſe, there are many Caſes of ſick Perſons, which require very particular Advice and Spiritual Direction, which

which you ought to be able to give them, and it cannot be done without some good Measure of Skill and Experience in Casuistical Divinity. As, How to satisfie a doubting Conscience, as to its own Sincerity, when so many Infirmities are mixed with our best Actions? How a Sinner who hath relapsed after Repentance can be satisfied of the Truth of his Repentance, when he doth not know, but he may farther relapse upon fresh Temptations? How, he shall know what Failings are consistent with the State of Grace, and the Hopes of Heaven, and what not? What Measure of Conviction and Power of Resistance is necessary to make Sins to be Wilful and Presumptuous? What the just Measures of Restitution are in order to true Repentance, in all such Injuries which are capable of it? I might name many others, but these I only mention to shew how necessary it is for you to apply your selves to *Moral* and *Casuistical Divinity*, and not to content your selves barely with the knowledg of what is called *Positive* and *Controversial*. I am afraid there are too many who think they need to look after no more than what qualifies them for the Pulpit, (and I wish all did take sufficient Care of that) but if we would do our Duty as we ought, we must inquire into, and be able to Resolve Cases of Conscience. For *the Priests Lips should keep this kind of Knowledge; and the People should seek the Law at his mouth; for he is the Messenger of the Lord of Hosts*, Mal. 2, 7. If this held in the Levitical Priesthood, much more certainly under the Gospel, where the Rates and Measures of our Duties are not to be determined by Levitical

Precepts,

Precepts, but by the general Reason and Nature of Moral Actions.

VIII. Among the Duties of *Publick Worship*, I must put you in mind of a *Frequent Celebration of the Lord's Supper*. There is generally too great a Neglect of this, which is the most proper part of *Evangelical Worship*. The Duties of *Prayers and Praises*, are excellent and becoming Duties, as we are Creatures with respect to our Maker and Preserver. The Duty of hearing the Word of God read and explained, is consequent upon our owning it to be the Rule of our Faith and Manners; and all who desire to understand and practise their Duty, can never despise or neglect it. But that solemn Act of Worship wherein we do most shew our selves Christians, is the celebrating the *Holy Eucharist*. For, therein we own and declare *the infinite Love of God in sending his Son into the world to die for Sinners, in order to their Salvation, and that this is not only a true Saying, but worthy of all men to be credited*. Therein, *we lift up our Hearts, and give thanks to our Lord God; we joyn with Angels and Archangels in laudingand magnifying his Glorious Name*. Therein, we not only commemorate the Death and Sufferings of our Lord, but are made Partakers of his Body and Blood, after a Real, but Sacramental Manner. Therein *we offer up our selves to God, to be a Reasonable, Holy and Lively Sacrifice unto him*. Therein we Adore and Glorifie the ever Blessed Trinity; and humbly implore the Grace and Assistance of our ever Blessed Mediator. And what now is there in all this, which is not very agreeable to the Faith, Hope,

and

and Charity of Christians? Nay, what Duty is there, which so much expresses all these together, as this doth? Nor, whereby we may more reasonably expect greater Supplies of Divine Grace to be bestowed upon us? What then makes so many to be so backward in this Duty, which profess a Zeal and Forwardness in many others? If we had that Warmth and Fervor of Devotion, that Love to Christ, and to each other, which the Primitive Christians had, we should make it as constant a part of our Publick Worship, as they did; but this is not to be expected. Neither did it always continue in the Primitive Church, when Liberty, and Ease, and Worldly Temptations made Persons grow more remiss and careless in the solemn Duties of their Religion.

In Hebr. Hom. 17. *in Ephes. Hom.* 3.

S. *Chrysostom* takes notice in his time of the different Behaviour of Persons, with respect to the holy Eucharist. There were some who pretended to greater Holiness and Austerity of Life than others, who withdrew from the common Conversation of Mankind, and so by degrees from joining in the Acts of Publick Worship with them. Which did unspeakable Mischief to Christianity; for then the Perfection of the Christian Life, was not supposed to consist in the active part of it, but in Retirement and Contemplation. As tho our highest imitation of Christ lay in *following him into the Wilderness to be tempted of the Devil*, and not in *walking as he walked*, who frequented *the Synagogues, and went about doing good.*

But this way of Retirement happening to be admired by some great Men, the Publick Worship came to be

be in less esteem; and others upon Reasons of a different Nature withdrew themselves from such Acts of Devotion as required a stricter Attendance, and a more prepared Temper of Mind. And there were some who did abstain, because they were not so well satisfied with themselves as to their own Preparations; and such as these S. *Chrysostom* seems to favor, rather than such who came often without due care, as to the whole Course of their Lives; only out of custom, or out of regard to the Orders of the Church. From hence many thought it better to forbear, as long as they did it not out of Contempt. And so by degrees the People were content to look on it as a Sacrifice for them to be performed by others, rather than as an Office, wherein they were to bear a part themselves; at least, they thought once or thrice a year sufficient for them. And so this, as appears by our old *Provincial Constitutions*, they were forced by severe *Canons*.

Concil. Anglic. Tom. 2. p. 144, 166, 299.

When the Reformation began, this Disuse of this holy Sacrament, was looked on, by the chief Reformers, as a great Abuse and Corruption crept into the Church, which ought by all means to be Reformed; and the frequent Celebration of it set up in the Reformed Churches. But unreasonable Scruples in some, and Misapprehensions in others, and a general Coldness and Indifference, as to matters of Religion, have hitherto hindered the Reviving this Primitive Part of Devotion among us.

*Calvin. Inst. l.*4 *c.*17. *n.*42. *Per. Martyr. L.C. l.*4. *c.* 1 *n.* 48. *In.* 1. *Cor.* 1 *p.* 55. *Bucer in Matth.* 16. *p.* 186.

I do not go about to determine the Frequency in your Parishes, which the Scripture doth not as to the Christian Church, but supposes it to be *often done*;

but I may require you to take Care, that Christ's Institution be observed among you; and that with your utmost Care, both as to the Decency and Purity of it.

The last thing I recommend to you all, is, *To have a great Care of your Conversations.* I do not speak it out of a distrust of you; I hope you do it already: and your Case will be so much worse, if you do it not, because you very well know how much you ought to do it. For the Honor of God and Religion, and the Success of your Ministry, as well as your own Salvation, depend very much upon it. Lead your Flock by your Example, as well as by your Doctrine, and then you may much better hope that they will follow you; for the People are naturally *Spies* upon their *Ministers*, and if they observe them to mind nothing but the World all the Week, they will not believe them in earnest, when on the Lord's Days they persuade them against it. And it takes off the Weight of all Reproof of other Mens Faults, if those they reprove have reason to believe them guilty of the same. I do not think it enough for *a Preacher of Righteousness* merely to avoid open and scandalous Sins, but he ought to be a great Example to others in the most excellent Virtues which adorn our Profession, not only in *Temperance and Chastity*, in *Justice and ordinary Charity*, but in a readiness to do good to all, in forgiving Injuries, in loving Enemies, in evenness of Temper, in Humility and Meekness, and Patience, and Submission to God's Will, and in frequent Retirements from the World, not merely for Study, but for Devotion. If by these and such

ſuch things you *ſhine as Lights* among your People, they will be more ready to follow your Conduct; and in probability you will not only ſtop their Mouths, but gain their Hearts. For among all the Ways of advancing the Credit and Intereſt of the *Church* of *England*, one of the moſt ſucceſsful will be the diligent Labors, and the exemplary Lives of the Clergy in it.

But if Men will not regard their own, or the Churches Intereſt in this matter; if they will break their Rules in ſuch a manner, as to diſhonor God, and the Church, and themſelves by it; then you are to conſider the next thing I was to ſpeak to, which is,

II. What *Authority* is given to us for the puniſhing *Offenders* in our *Dioceſſes* by the *Eccleſiaſtical Law* of this Realm. For this we are to conſider, that our *Authority* herein is not derived from any modern *Canons* or *Conſtitutions* of this *Church* (altho due Regard ought to be ſhewed to them) but from the ancient *Common Law Eccleſiaſtical* in this Realm, which ſtill continues in force. For as there is a *Common Law* with reſpect to *Civil Rights*, which depends not on the *Feudal Conſtitutions*, altho in many things it be the ſame with them; but upon *antient Practice*, *and general Conſent* of the People from Age to Age. So, I ſay, there is a *Common Law Eccleſiaſtical*, which altho in many things it may be the ſame with the *Canon Law*, which is read in the Books; yet it hath not its force from any *Papal* or *Legatine Conſtitutions*, but from the *Acceptance and Practice* of it in our Church. I could eaſily ſhew (if the time would permit) that *Papal and Legatine Conſtitutions* were not received here, altho directed hi-

Concil. Anglic. 2 *Vol. p.* 328.

2 *Inſt.* 632. ther; that ſome *Provincial Conſtitutions* never obtained the Force of *Eccleſiaſtical Laws*; but my buſineſs is to ſhew what did obtain and continue ſtill to have the force of ſuch *Eccleſiaſtical Laws* among us.

By the *Statute* of 25. *H.* 8. *c.* 19. it is declared, "That ſuch Canons, Conſtitutions, Ordinances and "Synodals Provincial being already made, which be "not contrariant nor repugnant to the Laws, Statutes "and Cuſtoms of this Realm, nor to the Damage or "Hurt of the King's Prerogative Royal, ſhall now "ſtill be uſed and executed as they were afore the "making of this Act, *&c.* It's true, a *Review* was appointed, but ſuch Difficulties were found in it, as to the ſhaking the Foundations of the *Eccleſiaſtical Law* here, that nothing was ever legally eſtabliſhed in it; and therefore this Law is ſtill in force.

In the *Statute* 25. *H.* 8. *c.* 21. it is ſaid, "That this "Realm Recogniſing no Superior under God but the "King, hath been, and is free from Subjection to "any Mans Laws, but only to ſuch as have been "Deviſed, Made, and Obſerved within this Realm, "for the Wealth of the ſame: or to ſuch other, as by "the Sufferance of the King and his Progenitors, the "People of this Realm have taken at their free Liber-"ty, by their own conſent, to be uſed amongſt them, "and have bound themſelves by long uſe and cuſtom "to obſervance of the ſame, not as to the obſervance "of the Laws of any Foreign Prince, Potentate, or "Prelate, but as to the Cuſtoms and ancient Laws of "this Realm, originally eſtabliſhed, as Laws of the "ſame, by the ſaid Sufferance, Conſent, Cuſtom, and "none otherwiſe.

All

All that I have now to do, is to ſhew what *Authority* the *Biſhops* had over the *Clergy* by the Ancient *Eccleſiaſtical Law* of this Realm; and what *Cenſures* they were lyable to for ſome particular Offences.

I. By the *Eccleſiaſtical Law* the Biſhop is *Judg* of the *Fitneſs* of any *Clerk* preſented to a *Benefice*. This is confeſſed by the Lord *Coke* in theſe Words. *And the Examination of the Ability, and Sufficiency of the Perſon preſented, belongs to the Biſhop, who is the Eccleſiaſtical Judg, and in the Examination he is a Judg, and not a Miniſter, and may and ought to refuſe the Perſon preſented, if he be not* Perſona idonea. But this is plain to have been the Ancient *Eccleſiaſtical* Law of this Realm by the *Articul. Cleri.* in *Edw.* 2. time, *De Idoneitate Perſonæ preſentatæ ad Beneficium Eccleſiaſticum pertinet Examinatio ad Judicem Eccleſiaſticum, & ita eſt hactenus uſitatum & fiat in futurum.* 2 *Inſt.* 632.

By the *Provincial Conſtitutions* at *Oxford* in the time of *Hen.* 3. the Biſhop is required to admit the Clerk who is preſented, without Oppoſition, within two Months, *dum tamen idoneus ſit*; if he thinks him fit. So much time is allowed, *propter Examinationem*, ſaith *Lyndwood*; even when there is no diſpute about Right of Patronage. The main thing he is to be examined upon is *his Ability to diſcharge his Paſtoral Duty*, as *Coke* calls it; or as *Lyndwood* ſaith, whether he be *commendandus Scientia & Moribus*. As to the former, the Biſhop may judg himſelf; but as to the latter, he muſt take the *Teſtimonials* of others; and I heartily wiſh the Clergy would be more careful in giving them, by looking on it as a Matter of *Conſci-* *Provinc. Conſt. quum ſecund. f.* 71.

ence,

ence, and not merely of *Civility*; for otherwiſe it will be impoſſible to avoid the peſtering the Church with ſcandalous and ignorant Wretches. If the Biſhop refuſes to admit within the time (which by the modern Canons is limited to twenty eight days after the Preſentation delivered) he is liable to a *Duplex Querela* in the Eccleſiaſtical Courts, and a *Quare impedit* at Common Law; and then he muſt certifie the Reaſons of his Refuſal. In *Specot*'s Caſe it is ſaid, that in 15 *Hen.* 7. 7, 8. *All the Judges agreed, that the Biſhop is Judg in the Examination, and therefore the Law giveth Faith and Credit to his Judgment.* But becauſe great Inconveniencies might otherwiſe happen, the general Allegation is not ſufficient, but he muſt certifie *ſpecially* and *directly*; and the general Rule is, and it was ſo reſolved by the Judges, *That all ſuch as are ſufficient Cauſes of Deprivation of an Incumbent, are ſufficient Cauſes to refuſe a Preſentee.* But by the Canon Law * more are allowed. In the *Conſtitutions* of *Othobon*, the Biſhop is required particularly to enquire into the Life and Converſation of him that is preſented; and afterwards, that if a Biſhop admits another who is guilty of the ſame Fault for which he rejected the former, his Inſtitution is declared null and void. By the Canon Law, if a Biſhop maliciouſly refuſes to admit a fit Perſon, he is bound to provide another Benefice for him; but our Eccleſiaſtical Law, much better puts him upon the Proof of the Cauſe of his Refuſal. But if the Biſhop doth not examin him, the Canoniſts ſay it is a Proof ſufficient that he did it *malitioſe*. If a Biſhop once rejects

Can. 95.

5. Rep. 57.

* *Multa impediunt promovendum quæ non dejiciunt. Gloſſ. in c.* 15 *de Vit. & Honeſt. Cleric. C. Chriſtiano, f.* 63.

De Jure Patron. c. Paſtoralis Officii.

Gloſſ. in Can. & malitioſe.

jects a Man for Insufficiency, he cannot afterwards accept or admit of him; as was adjudged in the Bishop of *Hereford's* Case. If a Man brings a Presentation to a Benefice, the Bishop is not barely to examin him as to Life and Abilities, but he must be satisfied that he is in Orders. How can he be satisfied, unless the other produce them? How can he produce them, when it may be they are lost? What is to be done in this Case? The Canon is express, *That no Bishop shall Institute any to a Benefice, who hath been Ordained by any other Bishop* (for if he Ordained him himself, he cannot after reject him, because the Law supposes him to have examined and approved him) *except he first shew unto him his Letters of Orders, and bring him a sufficient Testimony of his former good Life and Behaviour, if the Bishop shall require it, and lastly shall appear upon due Examination to be worthy of the Ministry.* But yet in *Palmes* and the Bishop of *Peterborough's* Case, it was adjudged that no Lapse did accrue by the Clerk's not shewing his Orders, for the Bishop upon his not coming to him again, Collated after six Months. But the Court agreed, that the Clerk ought to make Proof of his Orders; but they differed about the manner of their Proof. *Anderson* said, the Bishop might give him his Oath. But if a Proof were necessary, and the Clerk did not come to make Proof, it seems to me to be a very hard Judgment.

Moor 26. *El.* 3. 3 *Cr.* 27.

Can. 33.

3 *Cr.* 241. 1 *Leon.* 230.

II. The Bishop by the Ecclesiastical Law is to visit his Dioceſs, and to take an account of the Clergy how they behave themselves in the Duties of their Places.

Regino l. 1. c. 5. 6, 7, 8, 10. *Baluz. ad Reginon. p.* 531.

Places. By the eldeſt Canons I can find, the Biſhops Viſitation is ſuppoſed as a thing implyed in his Office; whereby he is obliged to look after the good Eſtate of his whole Dioceſs, and eſpecially of the Clergy in it. In the time of *Hubert* Arch-Biſhop of *Canterbury*, in the beginning of King *Johns* time care is taken in the Canons then made, *That Biſhops ſhould not be burdenſom to the Clergy in the Number of the Attendants in their Viſitations; which then were Parochial, and the Number allowed of* 20 *or* 30 *Horſe, was too heavy for the Clergy to bear.* And therefore by degrees it was thought fit to turn that Charge into a Certainty, which was the Original of *Procurations*. By the Fourth Council of *Toledo*, the Biſhop was to Viſit his whole Dioceſs, Parochially, every Year. The Gloſs ſaith, *if there were occaſion for it; and that the Biſhop may viſit as often as he ſees Cauſe; but if he be hindred*, the Canon ſaith, *he may ſend others* (which is the original of the *Arch-Deacons Viſitation*) *to ſee not only the Condition of the Churches, but the Lives of the Miniſters.* The Council of *Braca* in the latter end of the Sixth Century, makes this the firſt Canon, That all Biſhops ſhould Viſit their Dioceſſes by Pariſhes, and there ſhould firſt examin the Clergy, and then the People; and in another Canon he was required to receive only his *Cathedraticum*, *i.e.* a certain Sum in lieu of Entertainment; which came to be ſetled by Preſcription. The Council of *Cavaillon* in *France*, *A. D.* 813. fixed no Sum, but deſired the Biſhops to be no Burdens to the Clergy in their Parochial Viſitations. *Lyndwood* ſaith the Ancient *Procuration* here

Concil. Angl. 2 *Vol.* 124.

C. 10. *q.* 1. *Epiſcopum Regino. l.* 1. *c.* 7.

Concil. Braca. 2. *c.* 1. 80 *q.* 1. *Placait.*

Concil. Cabil. 2. *c.* 14.

was

was *a Day and Nights Entertainment*; which after came to be a customary Payment: But however it was paid, it is an evident Proof of the Right of the Bishops Visitations by the ancient Ecclesiastical Law; and by such a Custom as is allowable by the Rules of our Common Law. *De Censibus, f. 121. De Officio Vicarii c. quoniam V. Procurari.*

III. There are some Faults, which make the Clergy lyable to Deprivation by Virtue of the Ecclesiastical Law, which was here received. I shall name only some of them and conclude; these being sufficient for my present purpose.

I. *Excessive Drinking.* All drinking (*ad Potus æquales*) was absolutely forbidden to Clergymen, on pain of *Suspension* after *Admonition*; not only by a Synodical, but by a *Provincial Constitution* under *Edmund* Arch-Bishop of *Canterbury*. The *Canon Law* saith in that Case, *ab Officio vel Beneficio suspendatur*: But our *Constitution* is more severe, *a Beneficio & Officio*. The Council of *Oxford* not only strictly forbids all Clergymen whatever tends to *Gluttony and Drunkenness*; but it requires the Bishops to proceed strictly against those who are guilty, according to the Form of the *General Council*, *i. e.* the *Lateran* 4. *viz.* by *Admonition* first, and then *Suspension*. *Lyndwood* complains, that *this was not so much looked after as it should be, because it brought no Profit*; I hope that Reason will not hold among those who pretend to Reformation; which will be very defective if it extend not to our Lives as well as our Doctrines: For there can be no greater Reproach, than to see those loose and dissolute in their Conversations, who think it their Honour to be Ministers of a Reformed Church. It was a stinging Reflection upon our Church by the Arch-Bishop of *Concil. Anglic. vol. 2. 140. 200. Extr. de Vita & Honest. Cleric. c. 14. Prov. Const. f. 61.*

Spalato, (who was no very ſtrict Man himſelf) *that he ſaw nothing Reformed among us but our Doctrines.* I hope there was more of *Satyr* than of *Truth* in it; for I do not queſtion, but there were many then (as there are now) of Exemplary Lives and unblameable Converſations; but if there be any others, it will be the more ſhame not to proceed againſt them; ſince even before the Reformation, the Canons were ſo ſtrict and ſevere in this matter. In the Council at *Weſtminſter* in *Henr.* II. time, under *Richard* Arch-Biſhop of *Canterbury*, *all Clergymen are forbidden going into Taverns to eat or drink, unleſs upon Travelling*; and the Sanction of this Canon is, *aut ceſſet, aut deponatur.* The ſame was forbidden in the Council at *York*, in the time of *Richard* I. in the Council at *London* under *Hubert*, in the time of King *John*. And ſince the Reformation, the ſame Canon is renewed, *That no Eccleſiaſtical Perſons ſhall at any time other than for their honeſt Neceſſities, reſort to any Taverns or Alehouſes.* And there have been Inſtances of the Severity of our Eccleſiaſtical Cenſures againſt *Drunkenneſs* in Clergy-men.

Epiſt. ad Joſ. Hall.

Concil. Anglic. 2. vol. 104.

f. 122.

126.

Can. 78.

In 8 *Jac. Parker* was deprived of his Benefice for Drunkenneſs, and moved for a Prohibition, but it was denyed him.

Brownlow's Rep. f. 37.

In 9 *Jac.* another was deprived for the ſame Faule and the Judges at Common Law allowed the Sentence to be good.

Id. f. 70.

No doubt there are other Inſtances, but we had not known of theſe, if they had not been preſerved in Books of Reports.

Lyndw. f. 9.

II. *Incontinency. Lyndwood* ſaith, thoſe who are proved to be guilty of it, are *ipſo Jure privati*; but

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he thinks a Declaratory Sentence of the Eccleſiaſtical Judges neceſſary for the Execution of it. Since the Reformation, we have Inſtances of Deprivation for *Adultery* in our Law Books. One 12 *Eliz.* another 16 *Eliz.* a third 27 *Eliz.* Theſe are enough to ſhew that the *Eccleſiaſtical Law* is allowed by the Judges of Common Law, to continue in ſufficient force for *Deprivation* in this Caſe.

6. C. 14. Hob. 293. Owen 87. 1. Cr. 41. 789.

III. *Simony.* Which is the Name given by the Eccleſiaſtical Law, to all Contracts for Gain in the diſpoſing or obtaining any Eccleſiaſtical Promotion or Miniſtry. It is true, theſe do not come up to the very Sin of *Simon Magus*, which related to the immediate Gifts of the Holy Ghoſt; but becauſe the whole Miniſterial Office in all the Parts of it (eſpecially the Cure of Souls) is of a *Spiritual Nature*; and all Bargains are ſo repugnant to the Deſign of it, therefore the Eccleſiaſtical Law hath fixed that deteſtable Name upon it: For, all *contractus non gratuiti* in theſe things ſavour of *turpe lucrum*, and tend to bring in *turpe Commercium* into the Church; which would really overturn the whole Deſign of that Miniſtry, which was deſigned for the Salvation of Souls. And therefore it was neceſſary, that when Perſons had received (by the Favor of Temporal Princes and other Benefactors, who were Founders of Churches) ſuch Endowments as might encourage them in their Function, that ſevere Laws ſhould be made againſt any ſuch ſordid and miſchievous Contracts. And ſuch there were here in *England* long before the excellent Stat. of 31 *Eliz.* c. 6. although it ſeems the force of them was ſo much worn out, as to make

Officium Curæ animarum eſt præcipuum ac ſpiritualiſſimum Dei Donum. Cajetan in Act. 8.

that Statute necessary for avoiding of *Simony*; which is there explained to be *Corruption in bestowing or getting Possession of Promotions Ecclesiastical.*

Concil. Anglic. 2 *vol. p.* 810. In a Council at *London* under *Lanfranc* in the Conqueror's time, *Simony* was forbidden, under the Name of *Buying and Selling of Orders.* And it could be nothing else before the Churches Revenue was setled: *p.* 35. But in the time of *Henr.* I. *Ecclesiastical Benefices were forbidden to be bought or sold, and it was Deprivation then to any Clergy-Man to be convicted of it; and a Lay-Man was to be out-law'd and excommunicated, and deprived of his Right of Patronage.* And this was done by a *Provincial Synod* of that time.

p. 195 *Constit. Prov.* 132. In the Reign of *Henr.* II. it was decreed, *that if any Person received any Money for a Presentation, he was to be for ever deprived of the Patronage of that Church*; and this was not merely a *Provincial Constitution*, but two Kings were present (*Hen.* 2. and his Son), and added their Authority to it. This was not *depriving a Man of his Freehold by a Canon*, as a learned Gentleman calls it; for here was the greatest Authority, Temporal as well as Ecclesiastical added to it.

Parsons Counseller, Sect. 5. But we are told, *these Canons were of as little effect, as that of* Othobon, *which made all Simoniacal Contracts void*; but some of the most judicious Lawyers have *Hob.* 167. held, that Simony being *contractus ex turpi causâ*, is void between Parties.

All that I aim at is to shew, that by our old Ecclesiastical Law, *Simoniacus* incurred a *Deprivation* and *Disability* before the Stat. 31. *Eliz.* and therein I have *1 Rolls.* 237. the Opinion of a very Learned Judge concurring with me.

4. *Dila-*

IV. *Dilapidations.* By which the *Ecclesiastical Law* understands any considerable Impairing the *Edifices*, *Woods* and *Revenues* belonging to Ecclesiastical Persons, by Virtue of their Places. For it is the greatest Interest and Concernment of the Church to have things preserved for the Good of Successors; and it is a part of common *Justice* and *Honesty* so to do. And the Lord *Coke* positively affirms, *that Dilapidation is a good Cause of Deprivation.* And it was so Resolved by the Judges in the *King's Bench*, 12. *Jac.* Not by Virtue of any new Law or Statute, but by the old Ecclesiastical Law. For which *Coke* refers to the Year-Books, which not only shew what the *Ecclesiastical Law* then was, but that it was allowed by the Common Law of *England*; and we are told, *that it never gives to change*; but it may be forced to it by a *New Law*, which cannot be pretended in this Case. And by the old Constitutions here received, the Bishops are required *to put the Clergy in mind of keeping their Houses in sufficient Reparations, and if they do it not within two months, the Bishop is to take care, it be done out of the Profits of the Benefice.* By the Injunctions of *Ed.* VI. and Queen *Elizabeth*, all Persons having Ecclesiastical Benefices are required to set apart the Fifth of their Revenue to Repair their Houses; and afterwards to maintain them in good condition.

Joh. de Athon. in Constit. Othob. f. 55. 2. 35. E. 1.

11 *R.* 72. 3. *Inst.* 204. *Moor* 917. *Godbolt* 279. *Rolls* 813. 29. *E.* 3. 26. 2 *H.* 4. 3. 11 *H.* 6. 20. 9 *E.* 4. 34. *Constit. Othob. f.* 55. 2.

Othob. f. 55. 2.

V. *Pluralities.* By the *Ecclesiastical Law*, which was here received, the actual receiving Institution into a second Benefice made the first void *ipso jure*; and if he sought to keep both above a Month, the second was void too. *Lyndwood* observes, that the Ecclesiastical Law had varied in this matter. And it proceeded by

Provinc. Constit. f. 59.

Lyndw. ib. V. ſit content. by theſe ſteps, (which are more than *Lyndw.* mentions.)

10. *q.* 3. *c. Unio.* I. It was abſolutely forbidden to have two Pariſhes, if there were more than ten Inhabitants in them, *becauſe no Man could do his Duty in both Places.* And if any Biſhop neglected the Execution of it, he was to be excommunicated for two Months, and to be reſtored only upon Promiſe to ſee this Canon executed.

Concil. Tolet. 16. *c.* 5.

21. *q.* 1. *c.* 1. *Clericus.* II. The Rule was allowed to hold, as to Cities, but an Exception was made as to ſmall and remote Places, where there was a greater Scarcity of Perſons to ſupply them.

Ex. de Præbc. referente. III. If a Man had two Benefices, it was left to his Choice, which he would have: but he could not hold both. This kind of Option was allowed by the *Eccleſiaſtical Law* then in force.

Ex. de Cleric. Non-Reſident. c. quia nonnulli. IV. That if he takes a ſecond Benefice, that Inſtitution is void, by the third Council of *Lateran*, under *Alexander* III.

Ex. de Præbc, de Multâ. V. That by taking a ſecond the firſt is void; which is the famous Canon of the fourth *Lateran* Council.

VI. That if he were not contented with the laſt, but endeavour to keep both, he ſhould be deprived of both. And this was the *Eccleſiaſtical Law* as it was declared in our *Provincial Conſtitutions.* But the general Practice was to avoid the former, according to the *Lateran* Council. Theſe were very ſevere Canons, but that one Clauſe of the *Pope's diſpenſing Power* made them to ſignifie little, unleſs it were to advance his Power and Revenue. For when the *Diſpenſing Power* came to be owned, the Law had very little force; eſpecially as to the Conſciences of Men. For if it were a Law of God, how could any man diſpenſe with it? unleſs

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it were as apparent that he had given a Power in ſome Caſes to *Diſpenſe*, as that he had made the Law. Thoſe Caſuiſts are very hard put to it, who make Reſidence *Jure Divino*, and yet ſay the Pope may diſpenſe with it; which at laſt comes only to this, that the Pope can authoritatively declare the ſufficiency of the Cauſe: ſo that the whole matter depends upon the Cauſe; whether there can be any ſufficient to excuſe from Perſonal Reſidence.

It is agreed on all hands, that the habitual Neglect of a Charge we have taken upon our ſelves, is an evil thing, and that it is ſo to heap up Preferments merely for Riches, or Luxury, or Ambition; but the main Queſtion in point of Conſcience is, what is a ſufficient Cauſe to juſtifie any Man's breaking ſo reaſonable and juſt a Rule as that of Reſidence is.

It cannot be denied, that the eldeſt Canons of the Church were ſo ſtrict and ſevere, that they made it unlawful for any man to go from that Church in which he firſt received Orders; as well as to take another Benefice in it: and ſo for any Biſhop to be tranſlated from that Place he was firſt Conſecrated to, as well as to hold another with it. But the Good of the Church being the main Foundation of all the Rules of it; when that might be better promoted by a *Tranſlation*, it was by a tacit Conſent looked on, as no unjuſt violation of its Rules. The Queſtion then is, whether the Churches Benefit may not in ſome Caſes make the Canons againſt Non-Reſidence as Diſpenſable, as thoſe againſt *Tranſlations*? And the Reſolution of it doth not depend upon the voiding the particular Obligation of the Incumbent to his Cure; but upon ſome

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more general Reason with respect to the State of the Church. As being imployed in the Service of it, which requires a Persons having, (not a bare Competency for Subsistence, but) a sufficiency to provide Necessaries for such Service. For those seem to have very little Regard to the flourishing Condition of a Church, who would confine the Sufficiency of a Subsistence, merely to the Necessaries of Life. But it seems to be Reasonable, that Clergy-Men should have Incouragement sufficient, not only to keep them above Contempt, but in some respect agreeable to the more ample Provision of other Orders of Men. And by God's own Appointment the Tribe of *Levi* did not fall short of any of the rest, if it did not very much exceed the Proportion of others. We do not pretend to the Privileges they had, only we observe from thence, that God himself did appoint a plentiful Subsistence for those who attended upon his Service. And I do not know, what there is *Levitical*, or *Ceremonial*, in that. I am sure, the Duties of the Clergy now require a greater Freedom of Mind from the anxious Cases of the World, than the Imployments of the *Priests* and *Levites* under the Law. But we need not go so far back; if the Church injoyed all her Revenues as entirely, as when the severe Canons against *Pluralities* were made, there would not be such a Plea for them, as there is too much Cause for in some Places, from the want of a competent Subsistence. But since that time, the Abundance of *Appropriations* (since turned into *Lay-Fees*) hath extremely lessened the Churches Revenues, and have left us a great number of poor Vicarages, and Arbitrary Cures, which would hardly have afforded a Maintenance

nance for the *Nethinims* under the Law, who were only to be *Hewers of Wood, and Drawers of Water.* But this doth not yet clear the Difficulty: for the Question is whether the Subsistence of the Clergy can lawfully be improved by a *Plurality* of *Livings*? Truly, I think this (if it be allowed in some Cases lawful) to be the least desireable way of any; but in some Circumstances it is much more excusable than in others. As when the Benefices are mean, when they lie near each other, when great Care is taken to put in sufficient Curates with good Allowance; when Persons take all Opportunities to do their Duties themselves, and do not live at a distance from their Benefices in an idle and careless manner. But for Men to put in Curates merely to satisfie the Law, and to mind nothing of the Duties of their Places, is a horrible Scandal to Religion and our Church, and that, which if not amended, may justly bring down the Wrath of God upon us. For the loosest of all the Popish Casuists, look upon this as a very great Sin, even those who attributed to the Pope the highest Dispensing Power in this Case.

But when the great Liberty of *Dispensing* had made the Ecclesiastical Laws in great measure useless, then it was thought fit by our Law-makers to Restrain and Limit it by a Statute made 21. *H.* 8. wherein it is Enacted, 'That if any Person or Persons having 'one Benefice with Cure of Souls, being of the yearly 'value of eight pounds, or above, accept or take any 'other with Cure of Souls, and be instituted, and in-'ducted in possession of the same, that then, and im-'mediately after such Possession had thereof, the first 'Benefice shall be adjudged to be void. And all Li-

'cenſes and Diſpenſations to the contrary, are declared 'to be void and of none effect.

This, one would have thought had been an effectual Remedy againſt all ſuch *Pluralities and Diſpenſations* to obtain them; and this, no doubt, was the Primary Deſign of the Law; but then follow ſo many *Proviſo's* of Qualified Men to get Diſpenſations, as take off a great deal of the Force and Effect of this Law. But then it ought well to be conſidered, whether ſuch a Licenſe being againſt the chief Deſign of a Law, can ſatisfie any Man in point of Conſcience, where there is not a juſt and ſufficient Cauſe? For, if the *Popes Diſpenſation*, with the ſuppoſed Plenitude of his Power, could not ſatisfie a Man's Conſcience without an antecedent Cauſe, as the Caſuiſts reſolve, much leſs can ſuch *Proviſo's* do it.

Leſſ. l. 2. c. 34. Dub. 27. *It is the general Opinion of Divines, and Lawyers,* ſaith *Leſſius, that no Man is ſafe in Conſcience by the Popes Diſpenſation for Pluralities, unleſs there be a juſt Cauſe for it.*

Pan. c. dudum. 2. de Elect. Sylv. Benef. 4. Sum. Angel. Ben. 35. *No Man can with a ſafe Conſcience, take a Diſpenſation from the Pope for more Benefices than one, merely for his own Advantage,* ſaith *Panormitan*; and from him *Sylveſter* and *Summ. Angelica.*

Tolet. Summa Caſim. 5. c. 82. *A Diſpenſation,* ſaith Card. *Tolet, ſecures a Man as to the Law,* ; *but as to Conſcience there muſt be a good Cauſe for it. And that is, when the Church hath more benefit by it, than it would have without it.*

But the Pope's *Diſpenſing Power* went much farther in Point of Conſcience in their Opinion, than that which is ſetled among us by Act of Parliament. For it is expreſſed in the Stat. 21 *Hen.* 8. that the Diſpenſation is intended to keep Men from *incurring the Danger, Penalty,*

nalty, and Forfeiture in this Statute compriſed. So that the moſt qualified Perſon can only ſay, that the Law doth not deprive him; but he can never plead that it can ſatisfie him in Point of Conſcience, unleſs there be ſome Cauſe for it, which is of more moment to the Church, than a Man's ſole and conſtant Attendance on a particular Cure is. But this Stat. is more favourable to the Clergy, than the *Canon Law* was before, in two Particulars.

1. In declaring that no *ſimple Benefices*, or mere *Dignities*, as the *Canoniſts* call them, *are comprehended under the Name of Benefices, having Cure of Souls*, viz. *No Deanery, Arch-deaconry, Chancellorſhip, Treaſurerſhip, Chanterſhip, or Prebend in any Cathedral or Collegiate Church, nor Parſonage that hath a Vicar endowed, nor any Benefice perpetually appropriate.* But all theſe before were within the reach of the Canon Law, and a Diſpenſation was neceſſary for them: Which ſhews, that this Law had a particular reſpect to the neceſſary Attendance on Parochial Cures, and looked on other Dignities and Preferments in the Church, as a ſufficient Encouragement to *extraordinary Merit.*

2. That no notice is taken of Livings under the value of 8*l.* which I ſuppoſe is that of 20 *E.* 1. for that of *H.* 8. was not till five Years after. But after that Valuation, it was to be judged according to it, and not according to the real Value, as the Judges declared 12 *Car.* I. in the Caſe of *Drake* and *Hill.* Now here was a regard had to the Poorneſs of Benefices, ſo far, that the Statute doth not deprive the Incumbent upon taking a ſecond Living, if it be under 8 *l.* The Queſtion that ariſes from hence is, Whether ſuch Perſons are allowed *Cr. Car. f.* 456.

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to enjoy such Pluralities by Law; or only left to the Ecclesiastical Law, as it was before? It is certain, that such are not liable to the Penalty of this Law; but before any Person might be deprived by the Ecclesiastical Law for taking a second Benefice without Dispensation, of what value soever; now here comes a Statute which enacts, that all who take a second Benefice of 8*l.* without Qualification, shall lose his legal Title to the first; but what if it be under? Shall he lose it or not? Not, by this Law. But suppose the Ecclesiastical Law before makes him liable to Deprivation; doth the Statute alter the Law without any Words to that purpose? The Bishop had a Power before to deprive, where is it taken away? The Patron had a Right to present upon such Deprivation; how comes he to lose it? And I take it for granted, that no antecedent Rights are taken away by Implications; but there must be express Clauses to that purpose. So that I conclude the ancient Ecclesiastical Law to be still in force, where it is not taken away by Statute.

C. 4. 75. *Holland's Case.*

And thus my Brethren, I have laid before you the *Authority* and the *Rules* we are to act by; I have endeavoured to recommend to you, the most useful Parts of your Duty; and I hope you will not give me occasion to shew what Power we have by the Ecclesiastical Law of this Realm to proceed against Offenders. Nothing will be more uneasie to me, than to be forced to make use of any Severity against you. And my Hearts desire is, that we may all sincerely and faithfully discharge the Duties of our several Places; that the Blessing of God may be upon us all; so that we may *save our selves and those committed to our Charge.*

FINIS.